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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

**ROSA ISELA GARCIA,**

*Plaintiff,*

**v.**

**FORD MOTOR CO.,**

*Defendant.*

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**CIVIL ACTION NO. 5:05-cv-219**

**OPINION & ORDER**

On October 27, 2005, Plaintiff Rosa Isela Garcia filed this lawsuit against Defendant Ford Motor Company for injuries sustained on October 26, 2003, when Garcia was injured in a rollover accident in her husband's F-150 near Nuevo Laredo, Tamaulipas, Mexico. [Dkt. No. 1-1 at 2].

On May 24, 2007, Garcia failed to appear for a Scheduling Conference before Magistrate Judge Adriana Arce-Flores. [Dkt. No. 15]. Ford moved to dismiss this case on May 31, 2007 under Federal Rule of Civil Procedure 41(b), based upon Plaintiff's failure to prosecute the case and/or failure to comply with the Court's orders. [Dkt. No. 16 at 1]. On July 12, 2007, the Court issued an order to Garcia to appear and show cause. [Dkt. No. 17].

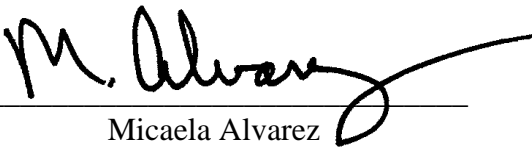
On July 26, 2007, Garcia appeared and explained that she had confused the date of the May 24, 2007 hearing. [Dkt. No. 18 Minute Entry]. The Court excused Garcia's failure to appear, but advised Garcia that she must comply with all future Court orders. [*Id.*].

In light of the Court's oral ruling on July 26, 2007 and the parties' resumption of litigation [see Dkt. Nos. 19, 20, 21, 22], the Court **DENIES** Defendant Ford Motor Co.'s Motion to Dismiss [Dkt. No. 16].



IT IS SO ORDERED.

Done this 14th day of September, 2007, in Laredo, Texas.

  
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Micaela Alvarez  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER  
SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND  
AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT  
ONE BY THE COURT.**